

Michigan Register

Issue No. 8—2007 (Published May 15, 2007)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

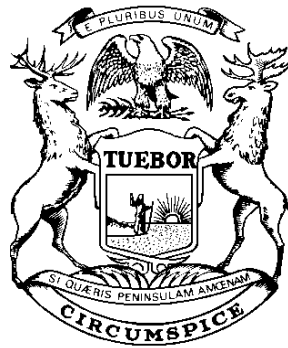
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 8— 2007

(This issue, published May 15, 2007, contains
documents filed from April 15, 2007 to May 1, 2007)

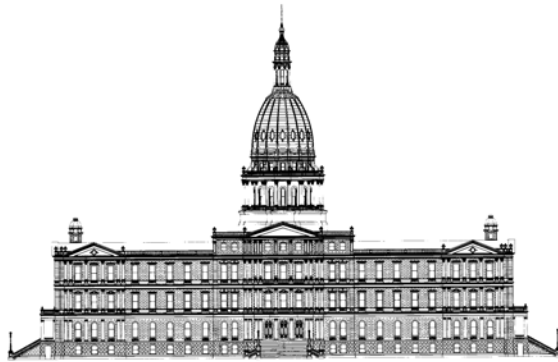
Compiled and Published by the
State Office of Administrative Hearings and Rules

© 2007 by State Office of Administrative Hearings and Rules, State of Michigan
All rights reserved.
Printed in the United States of America

Michigan Register (ISSN 0892-3124). Published twice per month, with a cumulative index, by the State Office of Administrative Hearings and Rules, pursuant to §24.208 of the Michigan Compiled Laws. Subscription \$400.00 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933

Peter Plummer, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

Jennifer M. Granholm, Governor



John D. Cherry Jr., Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The State Office of Administrative Hearings and Rules shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the State Office of Administrative Hearings and Rules may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the State Office of Administrative Hearings and Rules. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the State Office of Administrative Hearings and Rules not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the State Office of Administrative Hearings and Rules shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after it is made available to the State Office of Administrative Hearings and Rules.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The State Office of Administrative Hearings and Rules shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director
State Office of Administrative Hearings and Rules

2007 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2007	February 1, 2007
2	February 1, 2007	February 15, 2007
3	February 15, 2007	March 1, 2007
4	March 1, 2007	March 15, 2007
5	March 15, 2007	April 1, 2007
6	April 1, 2007	April 15, 2007
7	April 15, 2007	May 1, 2007
8	May 1, 2007	May 15, 2007
9	May 15, 2007	June 1, 2007
10	June 1, 2007	June 15, 2007
11	June 15, 2007	July 1, 2007
12	July 1, 2007	July 15, 2007
13	July 15, 2007	August 1, 2007
14	August 1, 2007	August 15, 2007
15	August 15, 2007	September 1, 2007
16	September 1, 2007	September 15, 2007
17	September 15, 2007	October 1, 2007
18	October 1, 2007	October 15, 2007
19	October 15, 2007	November 1, 2007
20	November 1, 2007	November 15, 2007
21	November 15, 2007	December 1, 2007
22	December 1, 2007	December 15, 2007
23	December 15, 2007	January 1, 2008
24	January 1, 2008	January 15, 2008

CONTENTS

ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

Department of Labor and Economic Growth

Director's Office (SOAHR # 2006-053)

Carnival and Amusement Safety2-4

Department of Labor and Economic Growth

Director's Office (SOAHR # 2006-054)

Ski Area Safety Board5-5

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

Department of Transportation

Bureau of Highway Development (SOAHR # 2005-030)

Local Bridge Program.....7-11

Department of Environmental Quality

Water Bureau (SOAHR # 2006-019)

Part 17. Soil Erosion and Sedimentation Control12-13

Department of Labor and Economic Growth

Public Service Commission (SOAHR # 2006-052)

Telecommunications Basic Local Exchange Service Quality14-26

Department of Treasury

Michigan Higher Education Student Loan Authority (SOAHR # 2006-077)

Federal Family Education Loan Program27-30

ENROLLED SENATE AND HOUSE BILLS SIGNED INTO LAW OR VETOED

Table (2007 Session)32-32

MICHIGAN ADMINISTRATIVE CODE TABLE

Table (2007 Session)34-35

CUMULATIVE INDEX

Cumulative Index (2007)	36-38
-------------------------------	-------

ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

SOAHR 2006-053

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CARNIVAL AND AMUSEMENT SAFETY

GENERAL RULES

Filed with the Secretary of State on April 23, 2007

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on director of the department of labor and economic growth by sections 6 and 7 of 1966 PA 225, MCL 408.656 and 408.657, and Executive Reorganization Orders No. 1996-2 MCL 445.2001 and 2003-18, MCL 445.2011)

R 408.802, R 408.806, R 408.833, R 408.852, R 408.882, and R 408.891 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 408.802 Safety requirements for carnival-amusement rides and devices.

Rule 2. (1) Electrical wiring, apparatus, and equipment shall be manufactured, installed, and maintained as prescribed in the national electrical code (NFPA 70), 2005 edition, published by the national fire protection association. The provisions of the national electrical code are adopted by reference as electrical standards for the carnival and amusement rides and devices in this state.

(2) These adopted provisions may be purchased for a cost of \$72.50 at the time of adoption of these rules from the National Fire Protection Association, Customer Service Department, 11 Tracy Drive, Avon MA 02322. Telephone 800/344-3555, 617/770-3000, website address: www.nfpa.org. A copy of this code and the general rules of the board are available for public inspection at the Department of Labor and Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, Michigan, 48864, Phone: 517/241-9233.

(3) The department adopts by reference the ASTM Standards on Amusement Rides and Devices, sponsored by ASTM F-24 Committee 7th Edition, 2004, as it relates to a carnival or amusement ride as defined by the Carnival-Amusement Safety Act, 255 PA 1966. The adopted standards may be purchased for a cost of \$87.00 at the time of adoption of these rules from The American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, Customer Service, Telephone: 610-832-9500, website address: www.astm.org. A copy of this code is available for public inspection at the Department of Labor and Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, Michigan, 48864, Phone: 517/241-9233.

R 408.806 Definitions; D to N.

Rule 6. As used in these rules:

- (a) "Department" means the department of labor and economic growth.
- (b) "Device" means a piece of carnival or amusement equipment or mechanism designed to serve a special purpose or perform a special function.
- (c) "Director" means the director of the department of consumer and industry services or authorized representative.
- (d) "Factor of safety" or "safety factor" means the ratio of the ultimate strength of a member or piece of material to the actual working stress or to the maximum permissible or safe load stress when in use.
- (e) "Kiddie ride" means a ride designed primarily for use by children, but which may accommodate adults.
- (f) "Load design" or "design load" means the load established by the design engineer for the department for normal operation plus required or acceptable factors of safety. A ride shall be designed to withstand both static and dynamic loads, including dead, live, and wind loads, plus impact.
- (g) "Major alteration" means a change in the type or capacity of a carnival-amusement ride or a change in the structure or mechanism that materially affects its function or operation.
- (h) "Major breakdown" means a stoppage of operation from whatever cause resulting in damage, failure, or breakage of a structural or stress-bearing part of a ride.
- (i) "Major ride" means ride designed to carry a specific number of passengers, adults, or children, either by power or gravity, in cars or other suitable fixtures for conveying persons.
- (j) "Miscellaneous ride" means any other ride not specifically provided for, described, or defined in these rules.
- (k) "New ride" means a ride for which a permit has not been previously issued by the department for operation in the state, a newly purchased ride, or any other ride upon change of title or ownership.
- (l) "No-show fee" means a fee established as prescribed by section 8 of the act for not having a carnival available for inspection as indicated by the notice of routing schedule required by R 408.871.

R 408.833 Aerial passenger tramways; adoption by reference.

Rule 33. The standards contained in the American national standards institute safety requirements for aerial passenger tramways, ANSI B77.1-2006, are adopted by reference for aerial passenger tramway amusement rides in this state. This incorporated standard may be purchased from the American National Standards Institute, 25 West 43rd Street, New York, NY 10036, Phone:212/642-4900, Fax: 212/398-0023, at a cost of \$125.00 as of the time of adoption of these rules. A copy of this code, published by the American National Standards Institute, is available for public inspection at www.ansi.org and the Department of Labor and Economic Growth, Bureau of Commercial Services, Carnival-Amusement Safety Board, 2501 Woodlake Circle, Okemos, Michigan, 48864, Phone: 517/241-9233.

R 408.852 Air compressors.

Rule 52. An air compressor, including the tanks, piping, and safety equipment, in an amusement park or carnival shall be constructed, equipped, and maintained to ensure safe operation at all times. An air receiver shall be constructed and a safety relief valve shall be constructed, installed, and maintained in accordance with ASTM amusement device standards.

R 408.882 Granting of waivers or variances by the department.

Rule 82. (1) The department may, in consultation with the board, grant a waiver or variance in a situation where practical difficulties or unnecessary hardship to comply with the rules is established so long as public safety is secured.

(2) An owner/operator or other person subject to the act or these rules shall file a written request for a waiver or variance with the department in accordance with the provisions of R 408.891.

(3) The department shall notify the owner/operator, in writing, of the department's decision to grant or to deny a waiver or variance. If a waiver or variance is granted by the department, the written notice to the owner/operator shall describe the conditions under which the waiver or variance is permitted, and a time limit, if any. A record of the waiver or variance shall be kept at the Department of Labor and Economic Growth, Bureau of Commercial Services 2501 Woodlake Circle, Okemos, Michigan, and be open to inspection by the public.

R 408.891 Requests for waivers or variances; appeals of denials or suspension of permits; procedures.

Rule 91. (1) An owner/operator or other individual who seeks a waiver or variance to a requirement in these rules may file a request with the department for a review by the carnival amusement safety board. The request shall be in writing and describe the reason for the requested variance and indicate the means by which public safety will be assured if the variance is granted.

(2) The department shall notify the person filing a request for a variance of the date and location of the board meeting at which the request will be reviewed. The Board may also request additional information to support the request for waiver or variance.

(3) Owners/operators filing a request for a waiver or variance have the right to appear before the board to provide information and answer questions. However, personal appearance before the board is not mandatory for a request for a waiver or variance to be considered.

(4) The department shall notify, in writing, the persons filing a request for a waiver or variance whether the request is granted or denied.

(5) If the request for waiver or variance is denied, owners/operators may file an appeal, in writing, for reconsideration of the denial and have the right to appear before the board and to be represented by counsel. However, personal appearance before the board is not mandatory for an appeal to be considered.

(6) Owners/operators who have been affected by a decision of the department based upon R 408.885 or R 408.886 may also file an appeal, in writing, for review of the decision.

(7) The department shall notify persons filing an appeal of the final decision in writing.

(8) A record of appeals and their disposition shall be retained in the offices of the Department of Labor and Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, Michigan, and be available for public inspection.

ADMINISTRATIVE RULES

SOAHR 2006-054

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

SKI AREA SAFETY BOARD

GENERAL RULES

Filed with the Secretary of State on April 23, 2007

These rules become effective May 1, 2007.

(By authority conferred on the director of the department of labor and economic growth by section 6 of 1962 PA 199, and Executive Reorganization Order Nos. 1996-2, and 2003-1, MCL 408.326, MCL 445.2001 and MCL 445.2011)

R 408.61 and R 408.65 of the Michigan Administrative Code are amended as follows:

R 408.61 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means 1962 PA 199, MCL 408.321.
- (b) "Authorized personnel" means a person who is designated and trained by the owner or operator, or both, of the ski area.
- (c) "Board" means the ski area safety board created under the act.
- (d) "Department" means the department of labor and economic growth.
- (e) "Director" means the director of the department or his or her authorized designee.
- (2) The terms defined in the act have the same meanings when used in these rules.
- (3) As used in ANSI standard B77.1-1999, "authority having jurisdiction" means the director of the department of labor and economic growth.

R 408.65 Adoption of standards by reference.

Rule 5. A person shall construct, install, and operate a ski lift as prescribed in ANSI standard B77.1-2006 entitled "American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements," which is adopted in these rules by. This standard may be purchased as an electronic download from the american national standards institute, Inc. at www.ansi.org for \$125. It is available in hardcopy or on compact disk from the National Ski Areas Association (www.nsaa.org) at 133 S. Van Gordon Street Suite 300; Lakewood, CO 80228 phone: (303) 987-1111 for \$60 for NSAA members and \$125 for non-members. The standards are available for public inspection at 2501 Woodlake Circle, Okemos, Michigan, 48864, phone: (517) 241-9233.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the State Office of Administrative Hearings and Rules.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

SOAHR 2005-030

DEPARTMENT OF TRANSPORTATION

BUREAU OF HIGHWAY ~~DEVELOPMENT TECHNICAL SERVICES~~

~~CRITICAL~~ **LOCAL** BRIDGE PROGRAM

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of transportation by **1951 PA 51, MCL 247.660 and 247.661b**) ~~section 11b of Act No. 51 of the Public Acts of 1951, as amended, being S247.661b of the Michigan Compiled Laws)~~

Draft September 7, 2006

R 247.151, R 247.152, R 247.153, R 247.154, R 247.155, and R 247.156 are rescinded from the Michigan Administrative Code, and R 247.161, R 247.162, R 247.163, R 247.164, R 247.165, and R 247.166 are added to the Code as follows:

R 247.151 ~~Definitions.~~ **Rescinded.**

Rule 1. ~~As used in these rules:~~

- ~~–(a) "Advisory committee" means a 9-member committee appointed by the director of the department, comprised of 3 members representing the counties, 3 members representing the department, 1 of whom shall act as chairman, and 3 members representing the cities and villages.~~
- ~~–(b) "Bridge" means a structure with a total clear span of more than 20 feet measured along the centerline of the roadway over a stream, watercourse, or opening.~~
- ~~–(c) "Commission" means the transportation commission.~~
- ~~–(d) "County" means a board of county road commissioners.~~
- ~~–(e) "Critical bridge" means a structure under jurisdiction of a highway authority, which is hazardous or inadequate in relation to the highway, road, or street it serves.~~
- ~~–(f) "Department" means the department of transportation.~~
- ~~–(g) "Highway authority" means the department, a county road commission, a city, or a village.~~

R 247.152 ~~Procedure; annual listing.~~ **Rescinded.**

- Rule 2. ~~(1) The department, in cooperation with the advisory committee, shall develop such procedural guides and processes as are required to administer the critical bridge program.~~
- ~~–(2) Annually the department, in cooperation with the advisory committee, shall identify and list in order the most critical bridges in the state by analyzing information obtained from all highway authorities in the state.~~

R 247.153 Eligibility and priority. Rescinded.

Rule 3. (1) In the preparation of a list of critical bridges, the department shall take into consideration the following factors:

- ~~–(a) Present and future importance of the critical bridge to the highway, road, or street network of which it is a part, and importance of the highway, road, or street network to the area.~~
- ~~–(b) Inadequate capacity calculated in accordance with methods prescribed by the department.~~
- ~~–(c) Financial obligation and capacity of the highway authority in relation to its highway system and needs.~~
- ~~–(2) In the determination of priority for funding, the department shall give high priority to a bridge which is an important transportation link in the area served, which has an inadequate capacity, and where the highway authority is severely limited in ability to improve the bridge through use of other funds obtained under Act No. 51 of the Public Acts of 1951, as amended, being S247.651 et seq. of the Michigan Compiled Laws, or federal aid highway funds.~~

R 247.154 Allocation of funds. Rescinded.

Rule 4. The department annually shall establish a program to allocate funds for critical bridges under the following conditions:

- ~~–(a) Not more than 38.4% of the funds in any 5-year period shall be used for critical bridges on the state trunk line system.~~
- ~~–(b) Prior to the allocation of funds, the department shall require an estimate of the cost of improving the critical bridge, including engineering, for which funds are to be used, along with details of funding the completed work.~~
- ~~–(c) Funds allocated cannot be used for design costs, right-of-way costs, or approach construction costs except for minor approach adjustments, unless otherwise determined by the advisory committee.~~
- ~~–(d) Allocated funds shall include an allowance up to 15% of the total contract cost for construction engineering.~~

R 247.155 Disbursement of funds and performance of construction engineering. Rescinded.

Rule 5. (1) The department shall disburse funds appropriated from the Michigan transportation fund for the critical bridge program under the following conditions:

- ~~–(a) The highway authority has secured department approval of plans and costs for the proposed work. These plans shall have been prepared by a qualified engineer registered to practice professional engineering in Michigan.~~
- ~~–(b) Funds disbursed in any 1 year may be for all or part of the eligible project costs.~~
- ~~–(c) The allocated funds along with other financial assistance available to the responsible highway authority are adequate to complete the required critical bridge work.~~
- ~~–(2) The department shall award and administer the construction contract unless otherwise determined by the department.~~
- ~~–(3) The construction engineering may be done by the engineering staff of the highway authority, by the engineer consultant retained by the highway authority, or by the department, as agreed upon by the highway authority and the department.~~

R 247.156 Reallocation of funds. Rescinded.

Rule 6. Funds allocated for work which cannot be placed under contract within 6 months of the allocation date due to delays in plan preparation or to delays in securing such supplemental

~~funding or right-of-way as might be required may be reallocated to other work. The deletion of a project from a program by reallocation of funds shall not impair the eligibility of that project for funds the following year.~~

R 247.161 Definitions.

Rule 1. (a) "Bridge" means a structure with a total clear span of at least 20 feet measured along the centerline of the roadway over a stream, watercourse, or opening. For a span bridge, this means that the clear opening span, measured face-to-face of the inside of the abutments, is 20 feet or greater. Multi-unit culverts are considered bridges if the total length as measured along the centerline of the roadway is at least 20 feet and if the distance between the culvert units is less than half the diameter of the smallest unit.

(b) "Department" means the Michigan department of transportation.

(c) "Highway authority" means a county road commission, a city, or a village.

(d) "Local bridge advisory board" means the statewide board, as defined in 2004 PA 384, MCL 247.660.

(e) "Local bridge program" means a program established for reconstruction, replacement, rehabilitation, and preventative maintenance of bridges under the jurisdiction of counties, cities, and villages.

(f) "Multi-year plan" means a list of bridge projects expected and planned to be placed under contract in a multi-year period.

(g) "Regional bridge council" means the council representing one of the regions within the state. The councils and the regions are as defined in 2004 PA 384, MCL 247.660.

R 247.162 Procedure; annual listing.

Rule 2. (1) The local bridge advisory board, in cooperation with the department, shall develop such procedural guides and processes as are required to administer the local bridge program.

(2) The regional bridge councils, in cooperation with the local bridge advisory board, shall develop a multi-year bridge plan for each of the regions in the state.

R 247.163 Eligibility; priority.

Rule 3. (1) In the preparation of a list of bridge projects, the local bridge advisory board and the regional bridge councils shall take into account the following factors:

(a) Present and future importance of the bridge to the highway, road, or street network of which it is a part, and the importance of the highway, road, or street network to the area.

(b) Inadequate load carrying capacity calculated in accordance with methods prescribed by the department.

(c) Financial obligation and funding capacity of the highway authority in relation to its highway system and needs.

(2) In the determination of priority for funding, the local bridge advisory board and the regional bridge councils shall give priority to a bridge which has inadequate load carrying capacity and where the highway authority is severely limited in ability to improve the bridge through use of other funds.

R 247.164 Letting of projects; performance of construction engineering.

Rule 4. (1) Local agency bridge projects, funded through the local bridge program, shall be let to contract by the department under the following conditions:

(a) The highway authority has secured department approval of plans, specifications, and estimated costs for the proposed work. The plans shall have been prepared by a qualified engineer registered to practice professional engineering in Michigan.

(b) The highway authority has adequate funds available, in addition to local bridge funds, to complete the bridge work.

(2) The department shall award and administer the construction contract unless the federal highway administration has otherwise authorized the contract to be let by the local agency.

(3) The construction engineering may be done by the engineering staff of the highway authority or by the engineer consultant retained by the highway authority.

(4) Funds from the local bridge program shall be used for participating construction costs. The costs of preliminary engineering, construction engineering, and right of way acquisition are not paid from the local bridge fund.

R 247.165 Design requirements for bridge projects.

Rule 5. Bridge reconstruction and replacement projects, shall be designed to meet the current American Association of State Highway and Transportation Officials (AASHTO) guidelines as included in “A Policy on Geometric Design of Highways and Streets, 5th Edition” which is available for viewing at the Michigan Department of Transportation, 425 W. Ottawa Street, Lansing, MI 48909 or may be ordered for \$120 (\$100 for AASHTO members) online at www.transportation.org, or by calling (800) 231-3475.

R 247.166 Open meetings.

Rule 6. (a) The local bridge advisory board and regional bridge council meetings shall be made public as required by the open meetings act, 1976 PA 267, MCL 15.261-MCL 15.275.

NOTICE OF PUBLIC HEARING

SOAHR 2005-030
NOTICE OF PUBLIC HEARING
DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY DEVELOPMENT, DESIGN SUPPORT AREA

The Michigan Department of Transportation (MDOT), Bureau of Highway Development, Design Support Area will conduct a public hearing on proposed administrative rules promulgated for the Local Bridge Program pursuant to Section 10 of Public Act 51 of 1951; select rules (R 247.151-247.156, R 247.161-247.166). These rules are intended to govern the administration of the Local Bridge Program.

The public hearing will be held on Wednesday, May 16, 2007 at 2:45 p.m., in the Pictured Rocks Conference Room, Murray D. Van Wagoner Building, 425 West Ottawa Street, Lansing, Michigan.

Copies of the proposed rules (SOAHR 2005-030 TP) can be downloaded from the Internet through the State Office of Administrative Hearings and Rules at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Bureau of Highway Development, Design Support Area
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909
Phone: 517-373-0030
Fax: 517-241-4619

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above or by e-mail to Brad Williams, Regulatory Affairs Officer at williamsbr@michigan.gov. Written comments must be received by May 16, 2007.

Persons needing accommodations for effective participation in the meeting should contact the Design Support Area at 517-373-0030 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Department of Transportation by Section 10 of Public Act 51 of 1951. These rules become effective immediately upon filing with the Secretary of State.

Mark Van Portfleet, P.E.
Engineer of Design
Bureau of Highway Development

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-019

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER BUREAU

PART 17. SOIL EROSION AND SEDIMENTATION CONTROL

Filed with the Secretary of State on

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of environmental quality by sections 9104 and 9105 of 1994 PA 451, MCL 324.9104 and 324.9105)

Draft March 6, 2006

R 323.1707 of the Michigan Administrative Code is amended as follows:

R 323.1707 Application review and permit procedures.

Rule 1707. (1) A person who is designated by the county or local enforcing agency who is trained in soil erosion and sedimentation control methods and techniques shall review and approve a soil erosion and sedimentation control plan.

(2) The appropriate enforcing agency shall approve, disapprove, or require modification of an application for an earth change permit within 30 calendar days following receipt of the application. The enforcing agency shall notify an applicant of by first-class mail. If an applicant is disapproved, then the enforcing agency shall advise the applicant by certified mail of its reasons for disapproval and conditions required for approval. The enforcing agency need not notify an applicant of approval or disapproval by mail if the applicant is given written approval or disapproval of the application in person. A permit given to the applicant either in person or by first-class mail constitutes approval.

~~(3) If an earth change is under the jurisdiction of 2 or more local or county enforcing agencies, then the department shall act as the enforcing agency.~~

(43) A permit that contains state prescribed information shall be used by each county or local enforcing agency and shall include any additional provisions required by the county or local enforcing agency. The permit shall be available at the site of the earth change for inspection.

(54) Upon a determination that a permit applicant has met all of the requirements of these rules, Part 91 and the local ordinance, if applicable, the appropriate enforcing agency shall issue a permit for the proposed earth change.

NOTICE OF PUBLIC HEARING

SOAHR 2006-019
NOTICE OF PUBLIC HEARING
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU – FIELD OPERATIONS DIVISION

The Michigan Department of Environmental Quality (DEQ), Water Bureau (WB), Field Operations Division, will conduct a public hearing on proposed administrative rules promulgated pursuant to Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); Rule 323.1707(3). This subrule requires that the DEQ serve as the SESC permitting agency when an earth change is under the jurisdiction of two or more county or municipal enforcing agencies. The WB is proposing to rescind the subrule, which will allow the counties and/or municipalities to issue SESC permits for the portion of the earth change under their respective jurisdictions.

The public hearing will be held on May 30, 2007, at 2:00 p.m., in the H. Dale Brake Conference Room, Atrium South, Constitution Hall, at 525 West Allegan, Lansing, Michigan.

Copies of the proposed rules (SOAHR #2006-019 EQ) can be downloaded from the Internet at: <http://www.michigan.gov/deqwb>; select “Soil Erosion and Sedimentation Control” and then select “Proposed Rule Revision.” These rules can also be downloaded from the Internet through the State Office of Administrative Hearings and Rules at: <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Michigan Department of Environmental Quality
Water Bureau
P.O. Box 30273
Lansing, Michigan 48909-7773
Phone: 517-335-3178
Fax: 517-373-9958
E-mail: mikular@michigan.gov

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by 5:00 p.m. on Monday, June 11, 2007.

Persons needing accommodations for effective participation in the meeting should contact the WB at 517-335-3178 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan’s Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by Part 91 or Act 451 and Executive Order 1995-18. These rules will become effective immediately after filing with the Secretary of State.

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-052

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

TELECOMMUNICATION SERVICES

Filed with the Secretary of State on

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the public service commission by sections 202 and 213 of 1991 PA 179,~~as amended~~, MCL 484.2202 and 484.2213)

Draft April 11, 2007

R 484.540a, R 484.540b, R 484.559 are rescinded, and R 484.520, R 484.523, R 484.524, R 484.531, R 484.534, R 484.535, R 484.538, R 484.539, R 484.540c, R 484.543, R 484.546, R 484.551, R 484.553, R 484.554, R 484.555, R 484.557, R 484.558, R 484.560, R 484.561 and R 484.571 are amended to read as follows:

PART 1. GENERAL PROVISIONS

R 484.520 Definitions.

Rule 20. (1) As used in these rules:

- (a) "Act" means 1991 PA 179, MCL 484.2101 **to MCL 484.2701.** ~~et seq.~~
- (b) "Answer" means that a provider's representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process a call.
- (c) "Average busy season, busy hour traffic" means the average traffic volume for the busy season, busy hour.
- (d) "Business day" means those days on which the provider's offices are open for business.
- (e) "Busy hour" means the hour when a telecommunication switching system carries the greatest volume of traffic. The busy hour is typically the busiest hour of the busiest day of a normal week.
- (f) "Busy season" means the period of the year during which a telecommunication switching system carries the greatest volume of traffic.
- (g) "Call" means the action by a customer to obtain a telephone connection whether the connection is completed or not.
- (h) "Central office" means a switching unit in a telecommunication system which provides service to the general public, and which has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.
- (i) "Commission" means the Michigan public service commission.

(j) "Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency using regulated telecommunication services furnished by a provider.

(k) "Customer trouble report" means any oral or written report from a customer relating to a physical defect, difficulty, or dissatisfaction with the operation or facilities of a provider.

(l) "Emergency" means the loss of service to any of the following entities:

(i) A hospital, medical care facility, or any other facility providing health or public safety services.

(ii) An employee of a public safety, emergency medical, or professional trade who is on call during the service loss and has so advised the provider.

(iii) A person who has a medical need that is life-threatening and has so advised the provider.

(iv) A school while in regular class session.

(v) An adult care facility.

(vi) A child care facility during business hours.

(m) **"Enhanced 9-1-1 (E 9-1-1)" means an advanced form of 9-1-1 service that transmits the caller's telephone number to the public safety answering point, for cross-reference with an address database to determine the caller's location, which is relayed to a video-monitor for the emergency dispatcher to direct public safety personnel responding to the emergency.**

(n) **"Exchange" means 1 or more contiguous central offices and all associated facilities within a geographical area in which basic local exchange service is offered by a provider.**

~~(m)~~ (o) "Facilities-based provider" means a telecommunication provider that provides basic local exchange service to end user customers by means of network facilities that it owns or controls. Where the term facilities-based provider is used throughout these rules, the rule shall only apply to a provider to the extent that the rule applies to the network facilities that the provider user owns or controls and uses to provision service to the affected end-user.

~~(n)~~ (p) "Installation" means the provision of service to the provider's interface device or equivalent equipment.

(q) **"Line" or "access line" means the medium over which a telecommunication user connects into the local exchange.**

(r) **"Local calling area" means a geographic area encompassing 1 or more local communities as described in maps, tariffs, or rate schedules filed with and approved by the commission.**

(s) **"NPA-NXX" refers to the first 6 digits of a 10-digit telephone number, where the first 3 digits of the telephone number identify the numbering plan area (NPA) or area code and the second 3 digits (NXX) identify the central office code or prefix that serves that number.**

~~(t)~~ (t) "Out of service" means a condition of a customer's telecommunication service that prevents the customer from either making or receiving calls.

(u) **"Residential customer" means a person to whom telecommunication services are furnished predominantly for personal or domestic purposes at the person's dwelling.**

~~(v)~~ (v) **"Provider" means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.**

~~(w)~~ (w) "Small business customer" means a business which has 20 or fewer access lines.

~~(x)~~ (x) "Tariff" means the compilation of all rates, charges, classifications, and rules adopted by a provider and filed with the commission.

~~(y)~~ (y) "Traffic" means telephone call volume, based on the number and duration of messages.

(2) A term defined in the act has the same meaning when used in these rules.

PART 2. RECORDS, REPORTS, AND TARIFFS

R 484.523 Report of service disruption.

Rule 23. (1) A facilities-based provider shall report promptly to the commission any specific occurrence on its network that disrupts service to a substantial number of customers or that may impair its ability to furnish service to a substantial number of customers. A facilities-based provider shall report all disruptions that affect the lesser of 25% or 2,000 of the access lines in any exchange for 1 hour or more. It shall notify the **telecommunications division of the commission** ~~and post the disruption information on the provider's internet website, if the provider has an internet website,~~ within 90 minutes of becoming aware of the disruption during normal business hours, or, if the disruption occurs during the evening or a weekend, within 90 minutes of the commencement of the next business day. The facilities-based provider shall also notify other providers dependent on the facilities-based provider's network within 90 minutes of becoming aware of the occurrence, unless interconnection agreements specify other notice requirements.

(2) A facilities-based provider shall file a final report with the **telecommunications division of the commission** in electronic form within 30 days of any service disruption subject to subrule (1) of this rule. The report shall contain all of the following information:

- (a) The reason for the disruption.
- (b) The geographic area affected.
- (c) The number of customers affected.
- (d) The type of services affected.
- (e) The effect upon the provider.
- (f) Whether the service disruption was avoidable.
- (g) An explanation of the provider's remedy for the service disruption.
- (h) A description of the actions that the provider has taken or could take to avoid similar disruptions in the future.

(3) The reports submitted to the **telecommunications division of the commission** under subrules (1) and (2) of this rule shall be deemed to contain confidential information within the meaning of Section 210 of the act and shall be exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to MCL 15.246.

R 484.524 Service measurements.

Rule 24. Upon request of the commission or ~~its~~ **the staff of its telecommunications division**, a provider shall **provide the commission with documentation of the provider's compliance with these rules** ~~make measurements to determine the level of its compliance with these rules.~~

PART 3. CUSTOMER RELATIONS

R 484.531 Rate and special charges information.

Rule 31. (1) Upon the request of a customer or an applicant for service, a provider shall explain the rates, charges, and provisions under which it provides service and shall provide a copy of the applicable tariff section or pages for the regulated telecommunication services. This requirement may be satisfied by referring a customer to an internet website containing tariffs if the customer states he or she has access **and the customer agrees to access the website.**

(2) A provider shall furnish reasonable access to information and assistance necessary to enable the customer or applicant to obtain the most economical service available to meet the customer's or applicant's stated needs, including state or federal "lifeline" programs that may be available. The provider shall advise the customer or applicant about any of the provider's alternative services that are

available to meet those needs. The information may include printed explanations of alternative services and rates. **This information shall be accessible on the provider's website.**

~~(3) Before changing or installing a service, a provider shall furnish the customer or applicant with an estimate of the amount of any service connection charges and an estimate of the initial bill for basic monthly service and any other applicable charges. A provider shall do all of the following:~~

(a) Before the customer purchases the service or upon request, provide each customer a clear and simple explanation of the terms and conditions of the services purchased by the customer including, but not limited to, a statement of all fees, charges, and taxes that will be included in the customer's monthly bill.

(b) Include in the statement required by subdivision (a) of this subrule a good faith estimate by the provider of the actual monthly cost that the customer will be required to pay if the service is purchased.

(c) Comply with all federal and state requirements regarding truth in billing, E 9-1-1 services, and primary basic local exchange service.

(d) If E 9-1-1 service is not available to the customer, then ensure that the customer has an alternative means to reach emergency service responders.

(4) Upon request, a provider shall furnish the customer or applicant with a written, detailed estimate of any special charges not specifically set forth in the provider's tariff. Special charges include any of the following:

(a) Extraordinary construction, maintenance, and replacement costs.

(b) Expenses for overtime work at the customer's or applicant's request.

(c) Special installations, equipment, and assemblies.

R 484.534 Public information.

Rule 34. (1) A provider shall make available to a customer or applicant all of the following information on a website or shall provide copies upon request:

(a) Maps or **NPA-NXX** ~~npa-nxx~~ data showing local calling areas and zone boundaries.

(b) Publicly announced information as to the availability of specific classes of service at a customer's or applicant's location.

(c) Publicly announced information concerning plans for major service changes at a customer's or applicant's location.

(2) A provider shall advise a customer if the customer is located in an area in which the dialing of a 7- or 10-digit number may result in toll charges.

(3) A provider shall prominently display on its bills and other messages to its customers the provider's phone numbers to be used for customer inquiries, disputes, repairs, and other contacts.

(4) A provider shall provide upon request a corporate mailing address to which a customer may write and at which the provider will accept registered or certified mail for complaints, inquiries, and disputes and shall respond in a timely manner.

(5) A provider shall provide upon request a corporate e-mail address to which a customer may write and at which the provider will accept e-mailed complaints.

(6) A provider shall provide upon request the name, address, and telephone number of the appropriate regulatory agency.

R 484.535 Business offices.

Rule 35. (1) A provider shall maintain business offices that are adequately staffed with qualified persons to do all of the following:

(a) Provide information relating to its services and rates.

(b) Accept and process applications for service.

- (c) Explain charges on bills.
- (d) Adjust erroneous charges.
- (e) Enter into payment arrangements.
- (f) Act as a representative of the provider.

(2) Customers shall have the option of leaving voicemail messages for assistance with their providers outside of normal business office hours.

(2 3) A provider shall maintain a local or toll-free telephone number by which all customers served by a business office may call that office at no charge.

(3 4) A provider shall maintain sufficient staffing to ensure that customers and others who call a business office are permitted to talk to a person who is able to provide assistance within a monthly average of 120 seconds of calling the office during normal business hours.

(4 5) A provider shall ensure that all information provided to customers and others is accurate and in compliance with commission rules and the provider's tariff. A provider shall not make a statement to a customer that the provider knows to be untrue.

R 484.538 Advertising.

Rule 38. If a ~~regulated~~ **telecommunication** service is not generally available, **and if a provider's advertising of that service fails to clearly disclose the limits on its availability**, then ~~a the provider's advertising of that service without clearly disclosing the limits on its availability~~ is false, misleading, or deceptive within the meaning of section 502(1)(a) of the act.

R 484.539 Directories.

Rule 39. (1) A provider shall furnish to new customers and annually to existing customers, at no additional charge, an up-to-date telephone directory for the customer's area unless the provider and customer agree otherwise.

(2) If a provider publishes a directory, the provider shall furnish a copy to the commission.

(3) The front cover of each directory shall indicate the area included in the directory and the month and year of issue. The front portion of the directory shall conspicuously feature information about placing calls to emergency services, police and fire departments, E 9-1-1 service, 2-1-1 service, and dual party relay service.

(4) Each directory shall contain instructions concerning all of the following:

- (a) Placing of local and long-distance calls.
- (b) Obtaining repair and directory assistance services.
- (c) The locations and telephone numbers of the provider's business office or offices for the area served by the directory.
- (d) The means to determine which numbers are in the local calling area.

(e) How to identify the equipment for which the provider is responsible and the equipment for which the customer is responsible.

~~R 484.540a Directory assistance and intercept calls. Rescinded.~~

~~Rule 40a. (1) Directory assistance operators shall have access to all telephone numbers for the area for which they are responsible for furnishing directory assistance service, except telephone numbers not listed or published at the customer's request.~~

~~-(2) If a provider's directory assistance operator provides an incorrect number, then the provider shall not bill for the call or shall give a credit equal to the charge and the provider shall not count the call against the customer's monthly call allowance.~~

~~-(3) A provider shall furnish a customer up to 2 numbers per call to directory assistance.~~

R 484.540b ~~Operator services.~~ **Rescinded.**

~~Rule 40b. A provider shall assure that operators answer calls within a monthly average of 10 seconds. An acknowledgment that the customer is waiting on the line is not an answer.~~

R 484.540c Complaints and appeals.

Rule 40c. (1) Within 10 business days after receiving an oral or written complaint from a customer or applicant, a provider shall investigate and respond fully and promptly unless an extension of time is requested and granted by the complainant. A provider shall notify the customer or applicant of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer or applicant, a provider shall furnish its proposed disposition of the complaint in writing.

(2) A provider shall prominently include, on all of its bills and in each telephone directory, the telephone number to which a customer or applicant can make inquiries and direct a complaint. The provider shall provide a ~~mailing~~ **mail and e-mail** address upon request and shall ~~include~~ **identify** a distinctive entity or person designated by the ~~company~~ **provider** to receive written complaints.

(3) A provider shall require its personnel to provide upon request any complaint escalation procedures and the name, address, and telephone number of the commission for further review of an unresolved problem.

(4) Upon receipt of a **written** complaint, ~~whether oral or written,~~ from the commission's **telecommunications division**, ~~or its staff~~ a provider shall do all of the following:

- (a) If necessary, attempt to contact the affected customer within 2 business days.
- (b) Promptly investigate the complaint and report the results of its investigation.
- (c) Provide a final response to the commission or its **telecommunications division** ~~staff~~ within 10 business days, unless an extension is requested and granted by the commission's **telecommunications division** ~~staff~~.

(5) Failure to respond to a customer, applicant, commission, or **the commission's telecommunication division** ~~or commission staff~~ within 30 days of a complaint, unless an extension is granted, shall create a presumption that the complaint is valid.

PART 4. ENGINEERING AND PLANNING

R 484.543 Customer line transmission requirements.

Rule 43. A provider shall comply with all of the following standards for all customer loops at the network interface device:

- (a) A circuit loss of less than ~~10.5~~ **8.5** decibels measured to a milliwatt reference.
- (b) A circuit current of 20 milliamperes or more.
- (c) A circuit noise level of less than 30 decibels-reference noise calibration.
- (d) A power influence level of less than 90 decibels-reference noise calibration.

R 484.546 Emergency operation.

Rule 46. (1) A facilities-based provider shall make reasonable provision to provide service notwithstanding emergency power interruptions, unusual and prolonged increases in traffic, illness of its personnel, and fires, storms, or other emergencies. It shall inform its employees of the procedures to be followed for an emergency to prevent or minimize interruption and impairment of telecommunication service.

(2) A facilities-based provider shall equip each central office, remote switch, remote line unit, and interexchange toll switching office or access tandem with a minimum of 3 hours of peak load battery reserve, if permanent auxiliary power is installed, and 5 hours of battery reserve, if permanent emergency power is not installed, or 8 hours of battery reserve if the central office is in a remote location. It shall have available a mobile power unit to be delivered and connected to central offices, remote switches, and remote line units within 8 hours.

(3) A provider shall maintain current, written emergency procedures that are directed to the prompt restoration of telecommunication service during abnormal conditions.

(4) **An E 9-1-1 service supplier** shall provide 24-hour, 7-day-a-week data base access so as to permit information to be acquired or corrected.

(5) A provider, **E 9-1-1 service supplier**, public safety answering point, or any entity providing or maintaining **E 9-1-1 data base information** shall correct each error in the 9-1-1 system or data base within 1 business day.

PART 5. REPAIR AND INSTALLATION

R 484.551 Maintenance of plant and equipment.

Rule 51. (1) A facilities-based provider shall adopt and implement **a maintenance program** designed to achieve efficient operation of its system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes, **including the national electric safety code and other state and local codes**.

(2) A facilities-based provider shall test, as needed, and maintain all plant and equipment up to and including the network interface device at the customer's location in safe and serviceable repair at no charge to the customer beyond the normal monthly charge for basic local exchange service. A facilities-based provider shall do at least all of the following:

- (a) Repair or replace broken, damaged, or deteriorated parts.
- (b) Readjust adjustable apparatus and equipment when found to be in unsatisfactory operating condition.
- (c) Correct electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics.

R 484.553 Customer repair requests.

Rule 53. (1) A provider shall make provision for the receipt of customer repair requests at all hours. A provider shall maintain adequate personnel to answer customer repair calls within a monthly average of 25 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

(2) **A provider shall maintain adequate personnel to answer customer calls within 3 minutes with the assistance of a live person.**

~~(2)~~ (3) A provider shall arrange to have a representative available at all times to accept calls from providers and users of **E 9-1-1** and emergency services to report trouble with its telecommunication services to those providers.

~~(3)~~ (4) A provider shall make a full and prompt investigation of all repair requests and shall render reasonable assistance to the customer to identify a cause for the outage that may be corrected by the customer.

~~(4)~~ (5) A provider shall maintain an accurate record of repair requests by telephone number or circuit number, as appropriate. The record shall include all of the following information:

- (a) The customer or service affected.
- (b) The time, date, and nature of the repair request.

(c) The action taken to clear the repair request or satisfy the complaint.

(d) The date and time the repair was completed or the request was otherwise closed.

~~(§ 6) Until the customer indicates satisfaction of the request, a provider shall not attempt to market new services to a customer calling to report a repair request, unless such services would assist in resolving the problem. This subrule shall not become effective until June 30, 2008.~~

(6) If access to a customer's premises is necessary to complete the repair and the customer is not available, then a tag shall be left on the customer's door indicating the date, an explanation of the repair problem necessitating entry into the customer's premises, and the technician's name and signature.

R 484.554 Emergency repairs.

Rule 54. (1) A provider shall attempt to clear all emergency out-of-service trouble within 4 hours after being reported to or found by the provider, except in any of the following situations:

(a) The safety of the provider's personnel would be at risk.

(b) Access to the customer's premises is required but not available.

(c) The repair is necessitated by an unavoidable occurrence affecting a large number of customers.

(d) The repair is technically infeasible to accomplish.

(2) All providers shall have emergency E 9-1-1 plans to serve all customers who lack access to E 9-1-1 for periods greater than 4 hours.

~~(2 3)~~ A provider shall expedite a repair for a customer who has a medical emergency. Unless it has a specific, identifiable reason to doubt a customer's claim, a provider shall accept the customer's statement there is a medical condition requiring expedited restoration of service.

R 484.555 Out-of-service repairs.

Rule 55. (1) A provider shall arrange to clear all out-of-service trouble of a nonemergency nature within the following time frames, unless the customer agrees to alternative arrangements:

(a) Out-of-service trouble shall be cleared within a monthly average of 36 hours after being reported to or found by the provider.

(b) The same repeat out-of-service trouble reported or found within ~~30~~ 15 days of a prior repair shall be repaired the same or next business day after being reported to or found by the provider and identified as a repeat trouble.

~~(2) For the second and third days of an out of service incident, a provider shall give a residential or small business customer a credit equal to 1/30 of the customer's monthly charge for basic local exchange service for each day or portion of each day, commencing when the out of service trouble is reported to or found by the provider, until service is restored. After the third day, a provider shall give the customer a credit of \$5.00 per day for the fourth and succeeding days until service is restored. This subrule shall not become effective until June 30, 2008.~~

(2) For any service outage which is not cleared within 36 hours or less from the time it is reported to or found by the provider, a provider shall give a customer a bill credit equal to 1/30 of the customer's monthly charge for basic local exchange service for each day of the outage until service is restored.

(3) If a provider fails to achieve a monthly average repair time of 36 hours or less for 3 consecutive months, that provider shall credit those residential and small business customers for whom the provider failed to repair the service within 36 hours or less, an additional \$5.00 per day for the fourth and subsequent days of service outage until the first full day that service was restored. The provisions of this subrule shall continue to apply until the provider achieves a 36-hour or less monthly average repair time for 3 consecutive months.

~~(3 4)~~ For the same repeat trouble within ~~30~~ 15 days of the first occurrence, a provider shall give a residential or small business customer a credit of \$5.00 for each day or portion of each day, commencing

~~when beginning the second day after~~ the repeat trouble is reported to or found by the provider, until service is restored. ~~This subrule shall not become effective until June 30, 2008.~~

R 484.557 Repair appointments and commitments.

Rule 57. (1) For all repair requests requiring a customer to be present, a provider shall give a residential or small business customer a 4-hour time period within which the repair will commence. Otherwise, the commitments will specify a 24-hour period.

(2) For appointments scheduled at least 48 hours in advance, a provider shall keep all repair commitments unless it contacts the customer not less than 24 hours in advance and reschedules the appointment or commitment. If unusual repairs are required or other factors preclude completing repairs promptly, then a provider shall make reasonable efforts to notify the customer.

(3) If a provider misses a time commitment and subrule (2) of this rule does not apply, then the provider shall give the customer a credit of ~~\$25.00~~ **\$15.00** for each missed commitment. ~~This subrule shall not become effective until June 30, 2008.~~

R 484.558 Installation **and local number portability** commitments.

Rule 58. (1) A provider shall install service for a residential or small business customer or applicant within a monthly average of 5 business days of the ~~installation~~ request, unless a later date is requested or agreed to by the customer or applicant, the customer or applicant misses the appointment, or government permits or right-of-way access are required before installation.

(2) For basic local exchange service, a provider shall release the loop facilities and telephone number serving its customer within a monthly average of ~~5~~ **4** business days after a request is made by a customer or on behalf of a customer to change local service providers.

(3) A provider shall keep records of all installations **and local number portability requests** not completed by the commitment date.

(4) If a provider does not complete an installation by the fifth day, ~~tenth day for a migration~~, or commitment date, then the provider shall waive 50% of the installation fee, unless the customer or applicant misses the appointment. If a provider does not complete an installation by the eleventh day, **or migration by the sixteenth day**, then the provider shall waive 100% of the installation fee, unless the customer or applicant misses the appointment. ~~This subrule shall not become effective until June 30, 2008.~~

(5) A provider shall provide for the reclassification of service at the request of a customer not later than the date mutually agreed to between the provider and the customer. A provider shall report to the commission orders for reclassification of service being held more than 60 days.

R 484.559 ~~Return calls.~~ **Rescinded.**

~~Rule 59. A provider shall return a call to a customer if the provider's representative tells the customer to expect a return phone call.~~

R 484.560 Planned service interruptions.

Rule 60. If a provider must interrupt service to work on lines or equipment, then it shall arrange to do the work in a manner that will cause minimal inconvenience to its customers. If the provider reasonably expects that service will be interrupted for more than 15 minutes, then the provider shall attempt to notify each affected customer, including wholesale customers, in advance of the interruption. **At a minimum, customers shall be given 24 hours' advance notice for a planned service interruption**

unless circumstances make notification not practicable. The provider shall make emergency service available, as required, for the duration of the interruption.

PART 6. MONITORING

R 484.561 Key measures of performance.

Rule 61. (1) A provider shall compile information on all of the following performance measures:

(a) Completing the investigation and contacting the customer ~~within~~ **a monthly average of 10 days or less** of the receipt of a complaint.

(b) Restoring service in a monthly average of 36 hours **or less** of the receipt of a trouble report.

(c) Answering calls to a business office in a monthly average of 120 seconds **or less**.

(d) Answering calls to a repair office in a monthly average of 25 seconds **or less**.

(e) Meeting new installation commitments ~~within~~ **a monthly average of 5 business days or less or 10 business days or less for migration**.

(f) An average monthly rate of customer trouble reports of more than 4%.

(2) If a provider fails to meet any of the measures specified in subrule (1) of this rule for 2 consecutive months, then the provider shall file a performance measure report and a remedial plan with the commission.

(3) The provider shall develop the format of the report in consultation with the commission's **telecommunications division** ~~staff~~.

PART 7. WAIVERS AND EXCEPTIONS

R 484.571 Waivers and exceptions.

Rule 71. (1) A provider may petition for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the provider render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) A provider may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) A provider may request a waiver or exception from some or all of these rules if it has obtained a competitive service classification from the commission pursuant to section 208 of the act.

(4) A provider shall be exempt from the provisions of these rules related to directory assistance to the extent the commission determines that the service is competitive under section 207 of the act.

(5) A provider is exempt from R 484.555, R 484.557, **or** R 484.558, ~~or R 484.559~~ under any of the following circumstances:

(a) **If ~~the~~ the problem is or was caused by the customer, an independent third party, or malicious damage, then a provider's exemption is automatic, and the information described in subrule (6) of this rule need not be provided unless requested by the staff of the commission's telecommunications division. This exemption is not available if, at the time the damage occurred, the provider was not in compliance with the Miss Dig program procedures.**

(b) The problem is or was attributable to an "act of God." The term "act of God" shall include events such as any of the following:

(i) Flood.

(ii) Lightning.

(iii) Tornado.

(iv) Earthquake.

(v) Fire.

(vi) Blizzard.

(vii) Ice storm.

(viii) Other unusual natural or man-made disasters.

(c) There is a work stoppage or other work action by the provider's (or underlying provider's) employees, beyond the control of the provider, that causes or caused a significant reduction in employee hours worked.

(d) The problem occurs or occurred during a major failure. A "major failure" is a single event or occurrence that is not the direct result of action taken by the provider and that generates out-of-service reports affecting 100 or more access lines.

(6) The provider shall notify the commission's **telecommunications division**, in writing, within 10 business days of its intent to invoke the occurrence of an event described in ~~subrule (5)~~ **subdivision (b), (c), or (d) of subrule (5) of this rule**. The notification to the commission shall include all of the following information:

(a) Specific description of the event and general impact.

(b) Date or dates of the event.

(c) Location affected, such as exchanges or wire centers.

(d) Estimated number of customers affected.

(7) If the commission's telecommunication division staff disputes the validity of the provider's invocation of an event described in subrule (5) of this rule, it shall notify ~~have 10 business days following the notification to advise~~ the provider within 10 business days, in writing ~~if it disputes the validity of the invocation of an event described in subrule (5) of this rule and~~ stating the reasons for such dispute. If the dispute cannot be resolved within 10 business days of the ~~commission staff's advice~~ notification, then the provider shall file an application with the commission within 10 business days thereafter for resolution of the dispute.

NOTICE OF PUBLIC HEARING

**SOAHR 2006-052
STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
REGARDING THE REVISION OF SERVICE QUALITY RULES APPLICABLE TO
TELECOMMUNICATIONS PROVIDERS
CASE NO. U-14962**

The Michigan Public Service Commission is considering the revision of service quality rules applicable to telecommunications providers, R 484.519 to R 484.579. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules. These rules are proposed to take effect 7 days after filing with the Secretary of State.

The information below describes how a person may participate in this case.

You may call or write the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909, 800.292.9555 for a free copy of the proposed rules. Any person may review the rules at the Commission offices, or on the Commission's E-Docket Website at michigan.gov/mpscedockets.

The public hearing will be held:

DATE: June 20, 2007

TIME: 9:00 a.m.

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate.
The hearing site is accessible, including handicapped parking.
People needing any accommodation to participate should contact the Commission's Executive Secretary at 517.241.6160 in advance to request mobility, visual, hearing or other assistance.

These rules revise service quality rules applicable to telecommunications providers, R 484.519 to R 484.579. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on July 11, 2007. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be emailed to mpscefilecases@michigan.gov. All comments should reference Case No. U-14962. All information submitted to the Commission in this manner will become public information available on the Commission's website and subject to disclosure.

Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*

April 24, 2007
Lansing, Michigan

This notice of hearing is also published in the May 15, 2007 Michigan Register under SOAHR (State Office of Administrative Hearings & Rules) # 2006-052.

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-077

DEPARTMENT OF ~~EDUCATION~~ TREASURY

MICHIGAN HIGHER EDUCATION STUDENT LOAN AUTHORITY

~~STATE DIRECT~~ FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

Filed with the Secretary of State on _____
These rules take effect immediately upon filing with the Secretary of State

(By authority conferred on the Michigan higher education student loan authority by sections 4, 4a, and 12 of ~~Act No. 222 of the Public Acts of 1975~~ **PA 222**, as amended, being **MCL §§ 390.1154, 390.1154a, and 390.1162** of the Michigan Compiled Laws; and ERO 1995-2 (MCL 12.181)).

Draft April 25, 2007

R 390.1601, R 390.1602, R 390.1603, R 390.1604, R 390.1605, R 390.1606, R 390.1607, R 390.1608, R 390.1609, R 390.1610 and R 390.1611 of the Michigan Administrative Code are amended as follows:

R 390.1601 Definitions; A, E.

Rule 1. (1) As used in these rules:

(a) “Authority” means the Michigan higher education student loan authority created by section 3 of ~~Act No. 222 of the Public Acts of 1975~~ **PA 222**, as amended, being **MCL 390.1153** of the Michigan Compiled Laws.

(b) “Eligible borrower” means a student or parent who meets the criteria of the authority and the ~~guarantee agency~~ **secretary** for eligibility.

(2) Terms defined in ~~Act No. 222 of the Public Acts of 1975~~ **PA 222**, as amended, being **MCL § 390.1151 et seq.** of the Michigan Compiled Laws, have the same meanings when used in these rules.

R 390.1602 Definitions; G to S.

Rule 2. As used in these rules:

(a) “~~Guarantee agency~~” means the Michigan higher education assistance authority **or any entity which is approved by the authority and guarantees student loans under the higher education act of 1965, or other federal law, and has entered into an agreement with the secretary for reinsurance of its guarantees of student loans.**

(b) “Participating lender” means a lending institution, which has entered into an agreement with the ~~guarantee agency~~.

(c) ~~“Participating school” means an eligible school that has entered into an agreement with the secretary and has met the participation requirements of the guarantee agency.~~

~~(d)~~**(c)** “Secretary” means the United States secretary of education or a designee of the secretary.

R 390.1603 Nondiscrimination.

Rule 3. Loans are available to all eligible borrowers without regard to race, color, sex, creed, **religion, disability, sexual orientation**, national origin, age, or marital status.

R 390.1604 Documents; ~~and~~ records.

Rule 4. (1) The authority shall ~~distribute documents used in the direct loan programs and shall be responsible for their uniform use~~ **obtain the required information and documentation from the applicant, eligible institution, and/or current loan holder, as appropriate.**

(2) The authority shall maintain records necessary for the administration of the ~~direct~~ loan programs and as required by the ~~guarantee agency and the~~ secretary.

(3) ~~A participating school shall maintain records necessary to meet the requirements of the guarantee agency.~~

R 390.1605 Eligibility of applicants.

Rule 5. A person shall meet all of the following requirements to be eligible for a ~~direct~~ loan:

(a) Complete **and submit** all application forms **and documentation** required ~~and supplied~~ by the authority, ~~which may include any of the following:~~

~~A direct loan program supplementary application.~~

(ii) ~~Certification of an unsuccessful attempt to secure a guaranteed loan from the financial institution where the student or the parents or guardians of the student maintain an account relationship, if the student has not received a prior loan in the Michigan guaranteed student loan program.~~

(iii) ~~A statement of responsibilities and options as a borrower.~~

(b) Provide information necessary to assure qualification for applicable federal interest benefits.

(c) Meet all of the requirements of the ~~guarantee agency~~ **secretary**.

R 390.1606 Procedures; loan denial.

Rule 6. (1) The authority shall develop and maintain procedures necessary to carry out applicable provisions of Title IV, part B, of the higher education act of 1965, ~~as amended~~, and the regulations therefor, and as may be required in the exercise of reasonable care and diligence in the making and collection of loans. If the authority determines that there is sufficient evidence to indicate that the applicant will not exercise reasonable diligence in completing repayment of a loan, the loan request may be denied. In determining that sufficient evidence for denial exists, the authority shall use such ethical methods and practices as are acceptable and proven in the collection of credit information in the commercial banking community.

Evidence of an applicant's unreasonable diligence that indicates the applicant will not exercise reasonable diligence in completing repayment of a loan may include, but is not limited to, any of the following:

Defaults on previous debts.

Bankruptcy.

(c) Repossessions of tangible properties for reason of nonpayment.

(d) Excessive and existing indebtedness beyond present and anticipated means of payment.

(e) Incarceration for a felony.

(f) Physical or mental disability in a degree that employment and repayment may not reasonably be expected.

(3) If a loan application is denied, the applicant shall be advised **by the authority, in writing or through an electronic method, if agreed to by the applicant**, ~~by the authority~~ of the reason for the denial.

R 390.1607 Amount and terms of loan.

Rule 7. (1) The annual maximum loan shall not exceed the maximum prescribed by the ~~guarantee agency~~ **secretary**.

(2) The maximum aggregate outstanding principal balance of ~~guaranteed~~ loans shall not exceed the maximum as prescribed by the ~~guarantee agency~~ **secretary**.

~~(3) The annual minimum loan shall be \$200.00.~~

~~(4)~~**(3)** Each loan shall be evidenced by a promissory note and shall bear interest at a rate designated by the ~~guarantee agency~~ **secretary**.

~~(5)~~**(4)** Terms and conditions for repayment of a loan shall be established by the authority in accordance with regulations of the ~~guarantee agency~~ **secretary**.

R 390.1608 Guarantee requirement.

Rule 8. All loans initiated by the authority shall be eligible for guarantee by the ~~guarantee~~ agency.

R 390.1609 Fund disbursement.

Rule 9. ~~(1) The principal amount of an approved loan shall be payable jointly to the student borrower and the participating school, except for loan amounts for students attending foreign schools.~~

~~(2) The loan proceeds which are payable jointly shall be directed to the financial aid office of the participating school for delivery to the student.~~

~~(3)~~**(1)** Disbursement shall be made in accordance with the requirements of the ~~guarantee agency~~ **secretary**.

~~(4) The authority shall deduct from the loan check any fees due the guarantee agency or secretary or fees authorized by the secretary in place of federal interest subsidies.~~

~~(5)~~**(2)** A loan shall be declared due and payable immediately if a student ~~borrower~~ does not attend school for the ~~academic year~~ **loan period** for which the loan is disbursed.

R 390.1610 Interest benefit requirement.

Rule 10. All loans initiated by the authority shall be eligible for applicable federal interest benefits as prescribed by the higher education act of 1965, ~~as amended~~, 20 U.S.C. § 1070 et seq.

R 390.1611 Delegation of authority.

Rule 11. (1) The executive director of the authority shall have authority and responsibility for administration of the ~~direct~~ loan programs as prescribed in these rules, Michigan statutes, and applicable federal laws and regulations.

(2) The executive director's authority shall include, but not be limited to, all of the following:

(a) Issuance of public information relative to the programs.

(b) Design of necessary ~~application and other regulatory~~ forms.

(c) Prescription of application procedures.

(d) Prescription of procedures and terms for the collection and repayment of loans, including the purchase of other individual ~~guaranteed~~ loans for consolidation purposes.

(e) Prescription of terms, conditions, and agreements with participating lenders for purposes of a secondary market activity.

(f) Approval or disapproval of loan applications.

(g) Establishment of policies and practices deemed necessary for the effective administration of the ~~direct~~ loan programs as prescribed by law and by these rules.

NOTICE OF PUBLIC HEARING

SOAHR 2006-077
DEPARTMENT OF TREASURY
BUREAU OF STUDENT FINANCIAL SERVICES
MICHIGAN HIGHER EDUCATION STUDENT LOAN AUTHORITY

NOTICE OF PUBLIC HEARING

ADMINISTRATIVE RULES 2006-077 TY

The Michigan Department of Treasury will hold a public hearing at the following time and place to receive comments by interested persons on proposed changes to rules for the Federal Family Education Loan Program:

Date: Thursday, May 24, 2007

Time: 9:00 a.m. to 11:00 a.m.

Location: Richard H. Austin Building
430 West Allegan Street
Lansing, Michigan 48922
Bond Finance Board Room, First Floor

The proposed changes will clarify and/or simplify the language, update the rules to conform to the federal program and expand the definition of guaranty agency to offer more choices regarding student loan products and services.

These rules are promulgated by authority conferred on the Michigan Higher Education Student Loan Authority by sections 4, 4a, and 12 of 1975 PA 222, MCL 390.1154, 390.1154a, and 390.1162 and ERO 1995-2 (MCL 12.181). These rules will become effective immediately upon filing with the Secretary of State.

Interested parties may also submit written comments to the Michigan Higher Education Student Loan Authority, P.O. Box 30051, Lansing, Michigan 48909, not later than 5:00 p.m. May 24, 2007. Written comments may also be sent electronically to mhesla@michigan.gov not later than 5 p.m. May 24, 2007.

The rules are published on the Michigan Government website at <http://www.michigan.gov/orr> and in the May 15, 2007 issue of the *Michigan Register*. Copies of the draft rules may also be obtained by mail or electronic request at the addresses above.

Persons with disabilities requiring additional accommodations for effective participation in the hearing should contact Vickie L. Aldrich, Michigan Higher Education Student Loan Authority, at 517 373-8461 or at aldrichv@michigan.gov at least one week in advance of the hearing.

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2007 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2007 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		191	Yes	3/1	3/1	3/1/07	Occupations; accounting; qualifications for certified public accountants; revise, and provide certain changes to the peer review requirement. (Sen. R. Richardville)
2		184	Yes	3/19	3/19	3/19/07	State financing and management; budget; expenditure exceeding appropriation level; require notification. (Sen. R. Jelinek)
3		166	Yes	3/19	3/19	3/19/07	Appropriations; zero budget; supplemental appropriations; provide for certain fiscal years. (Sen. R. Jelinek)
4		014	Yes	3/22	3/22	3/22/07	Agriculture; other; loan repayment for sugar beet cooperatives; extend. (Sen. J. Barcia)
5		176	Yes	3/22	3/23	3/23/07	Health facilities; other; appropriated amount of quality assurance assessment collected; increase. (Sen. D. Cherry)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

MICHIGAN ADMINISTRATIVE CODE TABLE
(2007 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

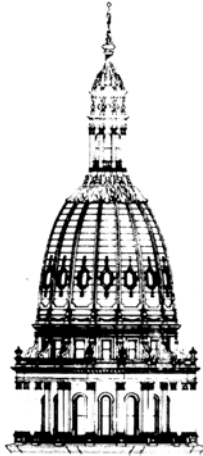
**MICHIGAN ADMINISTRATIVE CODE TABLE
(2007 RULE FILINGS)**

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
205.56	*	6	338.3123	*	4	388.5	A	6
205.72	*	6	338.3125	*	4	388.6	A	6
205.126	*	6	338.3132	*	4	388.7	A	6
205.127	*	6	338.3154	*	4	388.8	A	6
205.136	*	6	338.3161	*	4	388.9	A	6
281.421	A	3	338.3162	*	4	388.1	A	6
281.422	A	3	338.3162b	*	4	388.11	A	6
281.423	A	3	338.3162c	*	4	388.12	A	6
281.424	A	3	338.3162d	*	4	388.13	A	6
281.425	A	3	339.22203	*	2	388.14	A	6
281.426	A	3	339.22213	*	2	388.15	A	6
281.427	A	3	339.22601	*	2	388.16	A	6
281.428	A	3	339.22602	*	2	388.17	A	6
281.429	A	3	339.22603	*	2	388.18	A	6
325.2651	*	3	339.22604	*	2	400.9101	*	2
325.2652	*	3	339.22605	*	2	400.9306	*	2
325.2653	*	3	339.22606	A	2	400.9401	*	2
325.2654	*	3	339.22607	*	2	400.9501	*	2
325.2655	*	3	339.22609	*	2	400.12101	*	2
325.2656	*	3	339.22613	*	2	400.12202	*	2
325.2657	*	3	339.22615	*	2	400.12214	A	2
325.2658	*	3	339.22617	*	2	400.12310	*	2
325.60025	*	3	339.22631	*	2	400.12312	*	2
336.1660	A	2	339.22639	R	2	400.12605	*	2
336.1661	A	2	339.22641	R	2	408.43a	*	4
338.471a	*	4	339.22645	*	2	408.43i	*	4
338.472	*	4	339.22651	*	2	408.43k	*	4
338.473	*	4	339.22652	A	2	408.43m	*	4
338.473a	*	4	339.22653	R	2	408.43q	*	4
338.473d	*	4	339.22654	R	2	408.61	*	8
338.474a	*	4	339.22655	R	2	408.61	*	8
338.475	*	4	339.22659	*	2	408.802	*	8
338.479a	*	4	339.22663	R	2	408.802	*	8
338.489	*	4	339.22664	R	2	408.802	*	8
338.3041	*	4	339.22665	*	2	408.802	*	8
338.3043	*	4	388.1	A	6	408.802	*	8
338.3044	*	4	388.2	A	6	408.802	*	8
338.3102	*	4	388.3	A	6	408.42602	*	5
338.3120	*	4	388.4	A	6	408.42605	*	5

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
408.42608	*	5	421.1108	*	4	432.21805	*	5
408.42609	*	5	421.1109	*	4	432.21811	*	5
408.42616	*	5	421.1110	*	4	432.22004	*	5
408.42624	R	5	421.1111	*	4	432.22005	*	5
408.42625	R	5	421.1301	*	4	432.22006	*	5
408.42628	*	5	421.1301	*	4	432.22007	*	5
408.42629	*	5	421.1302	*	4	460.2701	A	3
408.42634	*	5	421.1304	*	4	460.2702	A	3
408.42636	*	5	421.1305	*	4	460.2703	A	3
408.42648	*	5	421.1307	*	4	460.2704	A	3
408.42651	*	5	421.1314	*	4	460.2705	A	3
408.42655	*	5	421.1315	*	4	460.2706	A	3
408.42801	A	5	421.1316	*	4	460.2707	A	3
408.42804	A	5	432.21305	*	5	550.111	A	4
408.42806	A	5	432.21313	*	5	550.112	A	4
408.42809	A	5	432.21316	*	5	550.301	A	4
418.56	*	4	432.21317	*	5	550.302	A	4
418.10107	*	6	432.21326	*	5	500.2201	A	4
418.10202	*	6	432.21327	*	5	500.2202	A	4
418.10401	*	6	432.21331	*	5			
418.10404	*	6	432.21332	*	5			
418.10416	*	6	432.21333	*	5			
418.10504	A	6	432.21335	*	5			
418.10505	A	6	432.21336	*	5			
418.10902	*	6	432.21406	*	5			
418.10922	*	6	432.21408	*	5			
418.101002	*	6	432.21410	*	5			
418.101002b	A	6	432.21412	*	5			
418.101004	*	6	432.21413	*	5			
418.101005	*	6	432.21416	*	5			
418.101016	*	6	432.21417	*	5			
418.101017	R	6	432.21418	*	5			
418.101018	R	6	432.21516	*	5			
418.101019	R	6	432.21520	*	5			
418.101502	R	6	432.21609	*	5			
418.101504	*	6	432.21617	*	5			
421.1101	*	4	432.21621	*	5			
421.1103	*	4	432.21622	*	5			
421.1104	*	4	432.21623	*	5			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



**CUMULATIVE
INDEX**

A

AGRICULTURE, DEPARTMENT OF
Bodies of Dead Animals (2007-5*)

ATTORNEY GENERAL, DEPARTMENT OF
Opinions

Incompatibility of Offices of Deputy County Treasure And Township Treasurer
OAG No. 7193 (2007-2)

C

COMMUNITY HEALTH, DEPARTMENT OF

Board of Pharmacy (2007-4)
Board of Pharmacy – Controlled Substances (2007-4)
Board of Pharmacy – Continuing Education (2007-4)
Child Death Scene Investigation (2007-4*)
Reporting of Non-Suicidal, Non-Medical Chemical Poisonings (2007-7*)

E

EDUCATION, DEPARTMENT OF

Correction of Obvious Error
Certification and Licensure of School Counselors (2007-3)

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Part 6. Emission Limitations and Prohibitions –Existing Sources for Volatile Organic Compounds and Emissions (2007-2)
Part 8. Emission of Oxides of Nitrogen From Stationary Sources (2007-3*)
Part 17. Soil Erosion and Sedimentation Control (2007-8*)

EXECUTIVE OFFICE

Executive Reorganization

No. 1 (2007-2)

No. 2 (2007-3)

No. 3 (2007-5)

L

LABOR AND ECONOMIC GROWTH, DEPARTMENT OF

Correction of Obvious Error

MIOSHA - Part 11. Recording and reporting of Occupation Injuries and Illnesses (2007-1)

MIOSHA – Part 18. Fire Protection and Prevention (2007-1)

Notice of Proposed and Adopted Agency Guidelines

Guidelines for the Acquisition of Capital Stock upon Conversion Of a Domestic Mutual Insurer to a Domestic Stock Insurer (2007-2*)

Administrative Appellate Procedures (2007-6*)

Carnival and Amusement Safety (2007-8)

Certificates – Discretionary Clauses (2007-4)

Construction Code Part 4. Building Code (2007-7*)

Credit Insurance Policy Forms – Discretionary Clauses (2007-4)

Employment Security Board of Review (2007-4)

Filing Procedures for Electric, Wastewater, Stream, and Gas Utilities (2007-1*)

Insurance Policy Forms – Discretionary Clauses (2007-4)

Michigan Boiler Rules (2007-3*)

Part. 26. Steel Erection (2007-5)

Part 39. Design Safety Standards for Electrical Systems (2007-7*)

Part 76. Spray Finishing Using Flammable and Combustible Materials (2007-6*)

Part 451. Respiratory Protection (2007-3)

Part 526. Dipping and Coating Operations (2007-6*)

Personnel Hoisting (2007-5)

Private Security Guards and Security Alarm Agencies (2007-3*)

Real Estate Licensing/Distance Education Standards (2007-2)

Rehabilitation Code (2007-7*)

Rules and Regulations Governing Animal Contact Current Mitigation (2007-3)

Ski Area Safety Board (2007-8)

Telecommunications Basic Local Exchange Service Quality (2007-8*)

Workers' Compensation Agency - General Rules (2007-4)

Workers' Compensation Board of Magistrates - General Rules (2007-4)

Workers Compensation Health Care Services (2007-6)

H

HUMAN SERVICES, DEPARTMENT OF

Licensing Rules for Foster Family Homes and Foster Family Group Homes (2007-2)

Licensing Rules for Child Placing Agencies (2007-2)

N

NATURAL RESOURCES, DEPARTMENT OF

Open and Prescribe Burning (2007-3)

S

STATE POLICE, DEPARTMENT OF

Correction of Obvious Error

Law Enforcement Standards and Training (2007-3)

Tests for Breath Alcohol (2007-3)

T

TRANSPORTATION, DEPARTMENT OF

Local Bridge Program (2007-8*)

TREASURY, DEPARTMENT OF

Charitable Gaming (2007-5)

General Sales and Use Tax (2007-6)

Federal Family Education Loan Program (2007-8*)

School Bond Qualification, Approval and Loan Rules (2007-6)